

## EFFECTIVE DATE

Subchapter effective 6 months after Feb. 5, 1993, see section 405(b)(1) of Pub. L. 103-3, set out as a note under section 2601 of this title.

**§ 2652. Effect on existing employment benefits****(a) More protective**

Nothing in this Act or any amendment made by this Act shall be construed to diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater family or medical leave rights to employees than the rights established under this Act or any amendment made by this Act.

**(b) Less protective**

The rights established for employees under this Act or any amendment made by this Act shall not be diminished by any collective bargaining agreement or any employment benefit program or plan.

(Pub. L. 103-3, title IV, § 402, Feb. 5, 1993, 107 Stat. 26.)

## REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 103-3, Feb. 5, 1993, 107 Stat. 6, known as the Family and Medical Leave Act of 1993, which enacted this chapter, sections 60m and 60n of Title 2, The Congress, and sections 6381 to 6387 of Title 5, Government Organization and Employees, amended section 2105 of Title 5, and enacted provisions set out as notes under section 2601 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables.

**§ 2653. Encouragement of more generous leave policies**

Nothing in this Act or any amendment made by this Act shall be construed to discourage employers from adopting or retaining leave policies more generous than any policies that comply with the requirements under this Act or any amendment made by this Act.

(Pub. L. 103-3, title IV, § 403, Feb. 5, 1993, 107 Stat. 26.)

## REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 103-3, Feb. 5, 1993, 107 Stat. 6, known as the Family and Medical Leave Act of 1993, which enacted this chapter, sections 60m and 60n of Title 2, The Congress, and sections 6381 to 6387 of Title 5, Government Organization and Employees, amended section 2105 of Title 5, and enacted provisions set out as notes under section 2601 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables.

**§ 2654. Regulations**

The Secretary of Labor shall prescribe such regulations as are necessary to carry out subchapter I of this chapter and this subchapter not later than 120 days after February 5, 1993.

(Pub. L. 103-3, title IV, § 404, Feb. 5, 1993, 107 Stat. 26.)

**CHAPTER 29—WORKERS TECHNOLOGY SKILL DEVELOPMENT**

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**§ 2701. Findings**

The Congress finds and declares the following:

(1) In an increasingly competitive world economy, the companies and nations that lead in the rapid development, commercialization, and application of new and advanced technologies, and in the high-quality, competitively priced production of goods and services, will lead in economic growth, employment, and high living standards.

(2) While the United States remains the world leader in science and invention, it has not done well in rapidly making the transition from achievement in its research laboratories to high-quality, competitively priced production of goods and services. This lag and the unprecedented competitive challenge that the United States has faced from abroad have contributed to a drop in real wages and living standards.

(3) Companies that are successfully competitive in the rapid development, commercialization, application, and implementation of advanced technologies, and in the successful delivery of goods and services, recognize that worker participation and labor-management cooperation in the deployment, application, and implementation of advanced workplace technologies make an important contribution to high-quality, competitively priced production of goods and services and in maintaining and improving real wages for workers.

(4) The Federal Government has an important role in encouraging and augmenting private sector efforts relating to the development, application, manufacture, and deployment of new and advanced technologies. The role should be to—

(A) work with private companies, States, worker organizations, nonprofit organizations, and institutions of higher education to ensure the development, application, production, and implementation of new and advanced technologies to promote the improvement of workers' skills, wages, job security, and working conditions, and a healthy environment;

(B) encourage worker and worker organization participation in the development, commercialization, evaluation, selection, application, and implementation of new and advanced technologies in the workplace; and

(C) promote the use and integration of new and advanced technologies in the workplace that enhance workers' skills.

(5) In working with the private sector to promote the technological leadership and economic growth of the United States, the Federal Government has a responsibility to ensure that Federal technology programs help the United States to remain competitive and to maintain and improve living standards and to create and retain secure jobs in economically stable communities.

(Pub. L. 103-382, title V, § 542, Oct. 20, 1994, 108 Stat. 4051.)

#### SHORT TITLE

Section 541 of Pub. L. 103-382 provided that: "This part [part D (§§ 541-547) of title V of Pub. L. 103-382, enacting this chapter] may be cited as the 'Workers Technology Skill Development Act'."

#### REPORT ON OLDER WORKERS IN INFORMATION TECHNOLOGY FIELD

Pub. L. 105-277, div. C, title IV, § 417, Oct. 21, 1998, 112 Stat. 2681-656, provided that:

"(a) STUDY.—The Director of the National Science Foundation shall enter into a contract with the President of the National Academy of Sciences to conduct a study, using the best available data, assessing the status of older workers in the information technology field. The study shall consider the following:

"(1) The existence and extent of age discrimination in the information technology workplace.

"(2) The extent to which there is a difference, based on age, in—

"(A) promotion and advancement;

"(B) working hours;

"(C) telecommuting;

"(D) salary; and

"(E) stock options, bonuses, and other benefits.

"(3) The relationship between rates of advancement, promotion, and compensation to experience, skill level, education, and age.

"(4) Differences in skill level on the basis of age.

"(b) REPORT.—Not later than October 1, 2000, the Director of the National Science Foundation shall submit to the Committees on the Judiciary of the United States House of Representatives and the Senate a report containing the results of the study described in subsection (a)."

#### REPORT ON HIGH TECHNOLOGY LABOR MARKET NEEDS

Pub. L. 105-277, div. C, title IV, § 418(a), Oct. 21, 1998, 112 Stat. 2681-656, provided that:

"(1) IN GENERAL.—The Director of the National Science Foundation shall conduct a study to assess labor market needs for workers with high technology skills during the next 10 years. The study shall investigate and analyze the following:

"(A) Future training and education needs of companies in the high technology and information technology sectors and future training and education needs of United States students to ensure that students' skills at various levels are matched to the needs in such sectors.

"(B) An analysis of progress made by educators, employers, and government entities to improve the teaching and educational level of American students in the fields of math, science, computer science, and engineering since 1998.

"(C) An analysis of the number of United States workers currently or projected to work overseas in professional, technical, and managerial capacities.

"(D) The relative achievement rates of United States and foreign students in secondary schools in a variety of subjects, including math, science, computer science, English, and history.

"(E) The relative performance, by subject area, of United States and foreign students in postsecondary and graduate schools as compared to secondary schools.

"(F) The needs of the high technology sector for foreign workers with specific skills and the potential benefits and costs to United States employers, workers, consumers, postsecondary educational institutions, and the United States economy, from the entry of skilled foreign professionals in the fields of science and engineering.

"(G) The needs of the high technology sector to adapt products and services for export to particular local markets in foreign countries.

"(H) An examination of the amount and trend of moving the production or performance of products and services now occurring in the United States abroad.

"(2) REPORT.—Not later than October 1, 2000, the Director of the National Science Foundation shall submit to the Committees on the Judiciary of the United States House of Representatives and the Senate a report containing the results of the study described in paragraph (1).

"(3) INVOLVEMENT.—The study under paragraph (1) shall be conducted in a manner that ensures the participation of individuals representing a variety of points of view."

#### TWENTY-FIRST CENTURY WORKFORCE COMMISSION

Pub. L. 105-220, title III, subtitle C, Aug. 7, 1998, 112 Stat. 1087, as amended by Pub. L. 105-277, div. A, § 101(f) [title VIII, § 401(15)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412, provided that:

"SEC. 331. SHORT TITLE.

"This subtitle may be cited as the 'Twenty-First Century Workforce Commission Act'.

"SEC. 332. FINDINGS.

"Congress finds that—

"(1) information technology is one of the fastest growing areas in the United States economy;

"(2) the United States is a world leader in the information technology industry;

"(3) the continued growth and prosperity of the information technology industry is important to the continued prosperity of the United States economy;

"(4) highly skilled employees are essential for the success of business entities in the information technology industry and other business entities that use information technology;

"(5) employees in information technology jobs are highly paid;

"(6) as of the date of enactment of this Act [Aug. 7, 1998], these employees are in high demand in all industries and all regions of the United States; and

"(7) through a concerted effort by business entities, the Federal Government, the governments of States and political subdivisions of States, and educational institutions, more individuals will gain the skills necessary to enter into a technology-based job market, ensuring that the United States remains the world leader in the information technology industry.

"SEC. 333. DEFINITIONS.

"In this subtitle:

"(1) BUSINESS ENTITY.—The term 'business entity' means a firm, corporation, association, partnership, consortium, joint venture, or other form of enterprise.

"(2) COMMISSION.—The term 'Commission' means the Twenty-First Century Workforce Commission established under section 334.

"(3) INFORMATION TECHNOLOGY.—The term 'information technology' has the meaning given that term in section 5002 of the Information Technology Management Reform Act of 1996 [now Clinger-Cohen Act of 1996, 40 U.S.C. 1401] (110 Stat. 679).

"(4) STATE.—The term 'State' means each of the several States of the United States and the District of Columbia.

"SEC. 334. ESTABLISHMENT OF TWENTY-FIRST CENTURY WORKFORCE COMMISSION.

"(a) ESTABLISHMENT.—There is established a commission to be known as the Twenty-First Century Workforce Commission.

## “(b) MEMBERSHIP.—

## “(1) COMPOSITION.—

“(A) IN GENERAL.—The Commission shall be composed of 15 voting members, of which—

“(i) five members shall be appointed by the President;

“(ii) five members shall be appointed by the Majority Leader of the Senate; and

“(iii) five members shall be appointed by the Speaker of the House of Representatives.

“(B) GOVERNMENTAL REPRESENTATIVES.—Of the members appointed under this subsection, three members shall be representatives of the governments of States and political subdivisions of States, one of whom shall be appointed by the President, one of whom shall be appointed by the Majority Leader of the Senate, and one of whom shall be appointed by the Speaker of the House of Representatives.

“(C) EDUCATORS.—Of the members appointed under this subsection, three shall be educators who are selected from among elementary, secondary, vocational, and postsecondary educators—

“(i) one of whom shall be appointed by the President;

“(ii) one of whom shall be appointed by the Majority Leader of the Senate; and

“(iii) one of whom shall be appointed by the Speaker of the House of Representatives.

## “(D) BUSINESS REPRESENTATIVES.—

“(i) IN GENERAL.—Of the members appointed under this subsection, eight shall be representatives of business entities (at least three of which shall be individuals who are employed by non-information technology business entities), two of whom shall be appointed by the President, three of whom shall be appointed by the Majority Leader of the Senate, and three of whom shall be appointed by the Speaker of the House of Representatives.

“(ii) SIZE.—Members appointed under this subsection in accordance with clause (i) shall, to the extent practicable, include individuals from business entities of a size that is small or average.

“(E) LABOR REPRESENTATIVE.—Of the members appointed under this subsection, one shall be a representative of a labor organization who has been nominated by a national labor federation and who shall be appointed by the President.

“(F) EX OFFICIO MEMBERS.—The Commission shall include two nonvoting members, of which—

“(i) one member shall be an officer or employee of the Department of Labor, who shall be appointed by the President; and

“(ii) one member shall be an officer or employee of the Department of Education, who shall be appointed by the President.

“(2) DATE.—The appointments of the members of the Commission shall be made by February 1, 1999.

“(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

“(d) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

“(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

“(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

“(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select by vote a chairperson and vice chairperson from among its voting members.

## “SEC. 335. DUTIES OF THE COMMISSION.

## “(a) STUDY.—

“(1) IN GENERAL.—The Commission shall conduct a thorough study of all matters relating to the information technology workforce in the United States.

“(2) MATTERS STUDIED.—The matters studied by the Commission shall include an examination of—

“(A) the skills necessary to enter the information technology workforce;

“(B) ways to expand the number of skilled information technology workers; and

“(C) the relative efficacy of programs in the United States and foreign countries to train information technology workers, with special emphasis on programs that provide for secondary education or postsecondary education in a program other than a 4-year baccalaureate program (including associate degree programs and graduate degree programs).

“(3) PUBLIC HEARINGS.—As part of the study conducted under this subsection, the Commission shall hold public hearings in each region of the United States concerning the issues referred to in subparagraphs (A) and (B) of paragraph (2).

“(4) EXISTING INFORMATION.—To the extent practicable, in carrying out the study under this subsection, the Commission shall identify and use existing information related to the issues referred to in subparagraphs (A) and (B) of paragraph (2).

“(5) CONSULTATION WITH CHIEF INFORMATION OFFICERS COUNCIL.—In carrying out the study under this subsection, the Commission shall consult with the Chief Information Officers Council established under Executive Order No. 13011 [40 U.S.C. 1401 note].

“(b) REPORT.—Not later than 6 months after the first meeting of the Commission, the Commission shall submit a report to the President and the Congress that shall contain a detailed statement of the findings and conclusions of the Commission resulting from the study, together with its recommendations for such legislation and administrative actions as the Commission considers to be appropriate.

“(c) FACILITATION OF EXCHANGE OF INFORMATION.—In carrying out the study under subsection (a), the Commission shall, to the extent practicable, facilitate the exchange of information concerning the issues that are the subject of the study among—

“(1) officials of the Federal Government and the governments of States and political subdivisions of States; and

“(2) educators from Federal, State, and local institutions of higher education and secondary schools.

## “SEC. 336. POWERS OF THE COMMISSION.

“(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this subtitle.

“(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this subtitle. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

“(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

## “SEC. 337. COMMISSION PERSONNEL MATTERS.

“(a) COMPENSATION OF MEMBERS.—Except as provided in subsection (b), each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

“(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of

title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

“(c) STAFF.—

“(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

“(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

“(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

“(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

“SEC. 338. TERMINATION OF THE COMMISSION.

“The Commission shall terminate on the date that is 90 days after the date on which the Commission submits its report under section 335(b).

“SEC. 339. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for fiscal year 1999 to the Commission to carry out the purposes of this subtitle.

“(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.”

## § 2702. Purposes

The purposes of this chapter are to—

(1) improve the ability of workers and worker organizations to recognize, develop, assess, and improve strategies for successfully integrating workers and worker organizations into the process of evaluating, selecting, and implementing advanced workplace technologies, and advanced workplace practices in a manner that creates and maintains stable well-paying jobs for workers; and

(2) assist workers and worker organizations in developing the expertise necessary for effective participation with employers in the development of strategies and programs for the successful evaluation, selection, and implementation of advanced workplace technologies and advanced workplace practices through the provision of a range of education, training, and related services.

(Pub. L. 103-382, title V, § 543, Oct. 20, 1994, 108 Stat. 4052.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2704 of this title.

## § 2703. Definitions

As used in this chapter:

### (1) Advanced workplace practices

The term “advanced workplace practices” means innovations in work organization and performance, including high-performance workplace systems, flexible production techniques, quality programs, continuous improvement, concurrent engineering, close relationships between suppliers and customers, widely diffused decisionmaking and work teams, and effective integration of production technology, worker skills and training, and workplace organization, and such other characteristics as determined appropriate by the Secretary of Labor, in consultation with the Secretary of Commerce.

### (2) Advanced workplace technologies

The term “advanced workplace technologies” includes—

(A) numerically controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving the manufacturing and industrial production of goods and commercial services, which advance the state-of-the-art; or

(B) novel industrial and commercial techniques and processes not previously generally available that improve quality, productivity, and practices, including engineering design, quality assurance, concurrent engineering, continuous process production technology, inventory management, upgraded worker skills, communications with customers and suppliers, and promotion of sustainable economic growth.

### (3) Department

The term “Department” means the Department of Labor.

### (4) Nonprofit organization

The term “nonprofit organization” means a tax-exempt organization, as described in paragraph (3), (4), or (5) of section 501(c) of title 26.

### (5) Secretary

The term “Secretary” means the Secretary of Labor.

### (6) Worker organization

The term “worker organization” means a labor organization within the meaning of section 501(c)(5) of title 26.

(Pub. L. 103-382, title V, § 544, Oct. 20, 1994, 108 Stat. 4053.)

## § 2704. Grants

### (a) In general

The Secretary of Labor, after consultation with the Secretary of Commerce, shall, to the extent appropriations are available, award grants to eligible entities to carry out the purposes described in section 2702 of this title.

### (b) Eligibility

To be eligible to receive a grant under this section, an entity shall—

(1) be a nonprofit organization, or a partnership consortium of such organizations;

(2) prepare and submit to the Secretary an application at such time, in such manner, and

containing such information as the Secretary may require, including a description of the activities that the entity will carry out using amounts received under the grant; and

(3) agree to make available (directly or through donations from public or private entities) non-Federal contributions toward the costs of the activities to be conducted with grant funds, in an amount equal to the amount required under subsection (d) of this section.

**(c) Use of amounts**

An entity shall use amounts received under a grant awarded under this section to carry out the purposes described in section 2702 of this title through activities such as—

(1) the provision of technical assistance to workers, worker organizations, employers, State economic development agencies, State industrial extension programs, Advanced Technology Centers, and National Manufacturing Technology Centers to identify advanced workplace practices and strategies that enhance the effective evaluation, selection, and implementation of advanced workplace technologies;

(2) the researching and identification of new and advanced workplace technologies, and advanced workplace practices that promote the improvement of workers' skills, wages, working conditions, and job security, that research the link between advanced workplace practices and long-term corporate performance, and which are consistent with the needs of local communities and the need for a healthy environment; and

(3) the development and dissemination of training programs and materials to be used for and by workers, worker organizations, employers, State economic development agencies, State industrial extension programs, Advanced Technology Centers, and National Manufacturing Technology Centers relating to the activities and services provided pursuant to paragraphs (1) and (2), and regarding successful practices including practices which address labor-management cooperation and the involvement of workers in the design, development, and implementation of workplace practices and technologies.

**(d) Terms of grants and non-Federal shares**

**(1) Terms**

Grants awarded under this section shall be for a term not to exceed six years.

**(2) Non-Federal share**

Amounts required to be contributed by an entity under subsection (b)(3) of this section shall equal—

(A) an amount equal to 15 percent of the amount provided under the grant in the first year for which the grant is awarded;

(B) an amount equal to 20 percent of the amount provided under the grant in the second year for which the grant is awarded;

(C) an amount equal to 33 percent of the amount provided under the grant in the third year for which the grant is awarded;

(D) an amount equal to 40 percent of the amount provided under the grant in the

fourth year for which the grant is awarded; and

(E) an amount equal to 50 percent of the amount provided under the grant in the fifth and sixth years for which the grant is awarded.

**(e) Evaluation**

The Department shall develop mechanisms for evaluating the effectiveness of the use of a grant awarded under this section in carrying out the purposes under section 2702 of this title and, not later than two years after October 20, 1994, and every two years thereafter, prepare and submit a report to Congress concerning such evaluation.

(Pub. L. 103-382, title V, §545, Oct. 20, 1994, 108 Stat. 4053.)

**§ 2705. Identification and dissemination of best practices**

**(a) In general**

**(1) Information**

The Secretary, in cooperation and after consultation with the Secretary of Commerce, shall assist workers, worker organizations, and employers in successfully adopting advanced workplace technologies, and advanced workplace practices by identifying, collecting, and disseminating information on best workplace practices and workplace assessment tools, including—

(A) methods, techniques, and successful models of labor-management cooperation and of worker and worker organization participation in the development, evaluation, selection, and implementation of new and advanced workplace technologies, and advanced workplace practices;

(B) methods, techniques, and successful models for the design and implementation of new and advanced workplace practices;

(C) methods, techniques, and successful models for the design and implementation of advanced forms of work organization; and

(D) methods, techniques, and successful models for the assessment of worker skills and training needs relating to the effective development, evaluation, selection, and implementation of advanced workplace technologies, and advanced workplace practices.

**(2) Contents**

Such information on best workplace practices shall include—

(A) summaries and analyses of best practice cases;

(B) criteria for assessment of current workplace practices; and

(C) information on the best available education and training materials and services relating to the development, implementation, and operation of systems utilizing new and advanced workplace technologies, and advanced workplace practices.

**(b) Distribution**

The information and materials developed under this section shall be distributed through an appropriate entity designated by the Secretary of Commerce to the Regional Centers for

the Transfer of Manufacturing Technology, to the Manufacturing Outreach Center, to other technology training entities, and directly to others as determined appropriate by the Secretary of Labor and the Secretary of Commerce. (Pub. L. 103-382, title V, § 546, Oct. 20, 1994, 108 Stat. 4055.)

## § 2706. Authorization of appropriations

### (a) In general

There are authorized to be appropriated to carry out this chapter such sums as may be necessary for each of the fiscal years 1995 through 1997.

### (b) Availability

Amounts appropriated under subsection (a) of this section shall remain available until expended.

(Pub. L. 103-382, title V, § 547, Oct. 20, 1994, 108 Stat. 4055.)

## CHAPTER 30—WORKFORCE INVESTMENT SYSTEMS

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